

PETTY OFFENSE PO ☐ JUDGE/MAGISTRATE: Assigned U.S. vs. **REBISH, Nicholas Jr.** (28)
 OTHER MINOR OFFENSE MO ☐ **1085/4** **8509**
 OTHER MISDEMEANOR Mis ☐ Disp./Sentence
 FELONY Fel ☒ District Office **2-14-77** (LAST, FIRST, MIDDLE)

Case Filed
Mo. Day
9 2

76-CR-119 - 1

No. of Def's
* **1**

Yr. Docket No. Def.

U.S. TITLE/SECTION

18:1623

OFFENSES CHARGED

perjury
(\$10,000 and/or 5 yrs)

ORIGINAL COUNTS

1

U.S. MAG.
CASE NO.

BAIL • RELEASE

☐ AMT ☐ Fugitive
Denied Set ☐ Pers. Recog.

\$ **10 000** conditions

Date **9-2-76** ☒ 10% Deposit

☒ Surety Bond / C

☒ Bail Not Made ☐ Collateral

☐ Status Changed (See Docket) ☐ 3rd Prty Cust ☐ Other

II. KEY DATES & INTERVALS

ARREST or	INDICTMENT <input checked="" type="checkbox"/>	ARRAIGNMENT	TRIAL	SENTENCE
U.S. Custody Began 9-7-76	High Risk Date 9-2-76	Information <input type="checkbox"/> 9-2-76	Trial Set For 10-18-76	Disposition of Charges 2-14-77
Summons Served	Indict. Waived <input type="checkbox"/>	1st Plea 9-8-76	Voir Dire <input type="checkbox"/>	<input checked="" type="checkbox"/> Convicted
First Appearance	In Charging District	Final Plea 2-14-77	Trial Began <input type="checkbox"/>	<input type="checkbox"/> Acquired
	Superseding <input type="checkbox"/> Indict/Info <input type="checkbox"/>	<input checked="" type="checkbox"/> NG <input type="checkbox"/> G <input type="checkbox"/> NOL <input type="checkbox"/> G. Plea W/Drawn	Trial Ended	<input type="checkbox"/> Dismissed: <input type="checkbox"/> WOP: <input type="checkbox"/> WP
		<input type="checkbox"/> NG <input type="checkbox"/> G <input checked="" type="checkbox"/> NOL		<input type="checkbox"/> On Govern'ts Motion

MAGISTRATE		OUTCOME:
Search Warrant	Issued Return	<input type="checkbox"/> DISMISSED
Summons	Issued Served	<input type="checkbox"/> HELD FOR GJ OR OTHER PROCEEDING IN THIS DISTRICT
Arrest Warrant Issued		<input type="checkbox"/> HELD FOR GJ OR OTHER PROCEEDING IN DISTRICT BELOW
COMPLAINT		
OFFENSE (In Complaint)		

U.S. Attorney or Asst.

Nathan G. Graham

ATTORNEYS

Defense: ☒ CJAX ☐ Ret: ☐ Waived ☐ Self ☐ None / Other: ☐ PD ☐ CD

Gordon Patten, ret
324 Main Mall
Tulsa, Ok 74103
PH: 587-2166

Frank A. Her
Pythian 2 ling
Tulsa, Ok 74103
584-3591

* Show last names and suffix numbers of other defendants on same indictment/information:

DATE	(DOCUMENT NO.)	PROCEEDINGS	EXCLUDABLE DELAY (a) (b) (c) (d)
9-2-76		Record vote of grand jury, filed in open court. rm	
9-2-76		Indictment, filed in open court. Bond set in amt. of \$10,000 C/S. (AEB-J)rm	2 9-2-76 M
9-3-76		Warrant for arrest of def. issued. rm	
9-3-76		MO: Case set for arraignment & plea for Wednesday, 9/8/76 at 10 a.m. (AEB-J)rm	
9-7		Info. sheet, fld. v	
9-7		Waiver of Counsel, fld. v	
9-8		Case called for arraignment. Deft. present & represented by Gordon Patten. Govt. represented. Deft. acknow. receipt of indict; is advised of charge, is arraigned & enters plea of NOT GUILTY. Deft. given 10 days to file motions; Govt. 5 days to respond. Case set for trial 10-18-76, 9:30 A.M. Deft. remanded to USM. (AEB-J)b	
9-9		Return on Warrant for Arrest of Deft., fld. Arrested Deft. on 9-7-76 in Tulsa, OK. v	2 9-7-76 M 6

IV. PROCEEDINGS (continued)		PAGE TWO		V. EXCLUDABLE DELAY				LETTER CODES
DATE	(DOCUMENT NO.)	Interval Section II (a)	Start Date End Date (b)	Ltr. Code (c)	Total Days (d)	For Identifying Periods of Excludable Delay Per 18 U.S.C. 3161(h)		
9-27	MO: Case set for jury trial on 10-18-76, 9:30 A.M. (AEB-J)b nts by cert ml					A. Examination or hearing for mental or physical incapacity (18 U.S.C. 4244).		
10-4	Application of Atty. Gordon L. Patten to withdraw as attorney of record for deft. w/order attached, filed.s O to J	3	10-4-76	G		B. NARA Examination (28 U.S.C. 2902).		
10-6	Order, filed, granting Gordon L. Patten, atty. for deft., permission to withdraw as atty. of record and atty. representing the deft.s (AEB-J) cps. mld.	3	10-6-76	G	3	C. State or Federal trials on other charges.		
10-14	Entry of appearance of Bruce H. Harlton, Jr., atty. for deft. Nicholas Rebish, Jr., filed.s					D. Interlocutory Appeals.		
10-14	Deft's application for continuance of jury trial set for 10-18-76, filed.s 0 to J	3	10-14-76	G		E. Hearings on pretrial motions.		
10-15	Order, filed, passing jury trial from 10-18-76 to 10-20-76 at 10:00 a.m. (AEB-J)k cps mld	3	10-15-76	G	2	F. Transfers from other districts (per F.R.Cr.P. Rules 20, 21 & 40).		
10-18	Deft. co. Mr. Frank Greer appears in open court & Govt. represented. Mr. Greer requests permission to w/draw as co. for Deft. as Deft. has retained new counsel Bruce Harlton. Court allows.(AEB-J)b					G. Defendant Motion is actually under advisement. Period of up to 30 days is excludable per 3161(h) (1) (G).		
10-20	Case called for jury trial. Deft. present & represented. Govt. represented. Deft. announces desire to waive jury. Waiver signed & filed in open court. Deft. makes oral request for bond reduction to \$5,000. Ct. directs deft. to file written motion for bond reduction. Deft. requests 30 days extension on trial date so deft. may have myelogram test. Ct. passes case for Non-Jury trial to 11-23-76, at 9:45 A.M. Deft. remanded to USM.(AEB-J)b	3	10-20-76	I		H. Miscellaneous Proceedings: Probation or Parole revocation, Deportation, Extradition.		
10-20	Notice of Non-Jury trial on 11-23-76, at 9:45 A.M. (AEB-J)b nts mld					I. Prosecution deferred by mutual agreement.		
11-18	Deft's appl. for continuance of trial til 12-23-76 and stipulation to the facts, filed.k O to J					M. Unavailability of defendant or essential witness.		
11-18	Deft's waiver of immediate or timely trial, filed.k					N. Period of mental or physical incompetence of defendant to stand trial.		
11-22	Order, filed, overruling deft's mot. for continuance to be reconsidered upon receipt in open Court on 11-23-76, at 10:00 a.m., of information stating name of neurosurgeon, date & place, and when results of an examination & mylogram will be available. (AEB-J)k					O. Period of NARA Commitment or Treatment.		
11-23	Case called for non-jury trial. Deft. present & rep. Govt. rep. Deft. reports to ct. that mylogram test has not been made & appoint. is scheduled for 12-20-76. Ct. orders Deft. to make appointment sooner or Ct will send deft. to Springfield for test. Deft. reports to Ct. test will be done on 11-29-76 & Ct. passes trial to 11-30-76, at 9:45 A.M. Deft. remanded to USM. (AEB-J)b	3	11-23-76	I	35	P. Superseding indictment and/or new charges.		
11-30	Case called for non-jury trial. Deft. present & rep. Govt. rep. Deft. reports to Ct. re - mylogram test. Ct. orders that Deft. be sent to Springfield, Mo. Med. Ctr. for mylogram test under Sect. 4244. Govt. to prepare order. Deft. remanded to USM. (AEB-J)					R. Defendant awaiting trial of Co-defendant when no severance has been granted.		
						T. Continuances Granted per 3161(h) (8) (i.e. ends of justice or complexity of case outweighs defendants interests).		
						U. Time between guilty plea and plea withdrawal.		
						W. Grand Jury indictment extended per 3161 (b).		

FINE AND RESTITUTION PAYMENTS

DATE	RECEIPT NUMBER	C.D. NUMBER	DATE	RECEIPT NUMBER	C.D. NUMBER

DATE	PROCEEDINGS (continued)	V. EXCLUDABLE DELAY			
		(a)	(b)	(c)	(d)
11-30-76	(Document No.) Order, filed, committing Deft. to US Med. Center for Fed. Prisoners in Springfield, Mo. for examination as to his competency, with said hospital to report to Ct. w/in 90 days as to competency of deft. to understand charge against him; his ability to assist counsel in his defense, & whether he was capable of distinguishing right from wrong on 8-26-76. (AEB-J)b cpy to US Atty & Deft. co.				
11-30-76	Two c/c of Order of Commitment to USM. b				
12-3	Order of Commitment, ret. & filed. Deft. delivered to Fed. Med. Ctr, Springfield, Mo. on 12-2-76. b	3	<u>12-2-76</u>	A	
2-1-77	Order, filed, directing Med. Ctr In Springfield, Mo. to turn over deft. to U.S.Marshall, NDO, to be held for trial or until further order of the Court. (AEB-J)b cps mld c/c to USM.				
2-1-77	MO: Case set for jury trial on 2-14-77, at 9:30 A.M. (AEB-J)b nts mld w/affid.				
2-2	Corrected notice setting case for Non-Jury trial on 2-14-77, at 9:30 A.M. (AEB-J)b nts mld				
2-10	Deft's mot. for continuance of 2-14-77 trial setting, filed.k cpy to Dene				
2-14	Case called for Non-Jury trial. Deft. present & rep. Govt. rep. Deft. announces desire to change plea. Deft. placed under oath, w/draws plea of Not Guilty & enters plea of Nolo contendere. Govt. objects. Ct. accepts Nolo plea & deft is adjudged convicted as charged. Indict. read. Deft. & co. asked if they have anything to say before sentence is pronounced: Judgment & Sentence - Nicholas Rebish, Jr. Atty. Gen. - One (1) year. Ct. recommends placement in Fed. Inst., Seagoville, TX. IT IS FURTHER ADJUDGED that the deft. be held in Tulsa Co. Jail until further order of the Court. Deft. remanded to USM. (AEB-J)b	3	<u>2-14-77</u>	A	75
2-14	Judgment & Commitment, filed & entered. (AEB-J)b				
2-14	Two c/c of J&C to USM. b				
2-14	USM service of Order of 2-1-77, ret. & filed: deft. Rebish transported from USMC, Springfield, Mo. to Tulsa County Jail on 2-7-77. g				
3-14	J&C, ret. & filed: deft. delivered to Med. Center, Springfield, Mo. on 3-9-77. g				
3-15	Mot. of Deft. Rebish to review judgment and sentence, fld. v -cps to Dene.				
5-25-77	Order, filed & entered modifying sentence as follows: ...committed to custody of Atty. Gen for period of six (6) mos., to run consecutively to sentence imposed 9-24-76 in No. 76-CR-92-C; proper computation of sentence a matter for Bureau of Prisons. (AEB-J)g cp mld.				

UNITED STATES DISTRICT COURT
CRIMINAL DOCKET

[illegible]